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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/179,002 10/26/98 LOHRAY

V U-011904-5

EXAMINER

HM22/0124

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RAYMOND, R

ART UNIT

PAPER NUMBER

1611

DATE MAILED:

01/24/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/179,002**

Applicant(s)  
**Lohray et al.**

Examiner  
**Richard L. Raymond**

Group Art Unit  
**1611**



☒ Responsive to communication(s) filed on Dec 22, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-13, 24-34, and 65-86 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 77-86 is/are allowed.

☒ Claim(s) 1-13, 24-34, and 65-76 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6 and 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1611

## DETAILED ACTION

### *Election/Restriction*

1. Pursuant to the requirement for restriction, applicants have elected the invention of Group I. Claims 14-23 and 35-64 to the nonelected inventions have been canceled.
2. Pursuant to the requirement for election of species, applicants have elected the compound of Example 3 and new claim 77. Claims 1-13, 24-34 and 65-76 are readable thereon as are new claims 78-86.

### *Improper Markush Rejection*

3. Claims 1-13, 24-34 and 65-76 are rejected as being improper Markush claims in the definition of R<sup>1</sup> and R<sup>2</sup> as (1) individual groups, (2) together forming an aromatic ring, (3) together forming a cycloalkyl or cycloalkenyl ring, and (4) together forming heterocyclic rings, and the definition of Ar as (1) a single aromatic ring, (2) a fused aromatic ring and (3) heterocyclic rings. So substituted, the resulting total compounds are pyrimidines, quinazolines and various biheterocyclic ring systems which are structurally diverse and patentably distinct one from the others. A reference anticipating one under 35 U.S.C. 102 would not be a reference against the others under 35 U.S.C. 103. Limitation of the claims to quinazolines containing phenylene Ar group, encompassing the elected species, will overcome this rejection.

Art Unit: 1611

*Allowable Subject Matter*

4. Claims 77-86 are allowed.

*Prior Art*

5. EP 0 903 343 cited on the Form PTO-892 discloses compounds within the present claims but has an publication date subsequent to the present filing date. Note, however, that any U.S. patent corresponding to this European patent would constitute prior art against the present claims and/or involve interfering subject matter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Raymond whose telephone number is (703) 308-4523. The examiner can normally be reached on weekdays from 9:30 AM to 6:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

rr

January 19, 2000

  
RICHARD L. RAYMOND  
PRIMARY EXAMINER  
ART UNIT 1611